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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,292	02/26/2002	Koichi Shirai	123802	9815
25944	7590	06/06/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER THOMPSON, JAMES A	
			ART UNIT	PAPER NUMBER
			2625	
			MAIL DATE	DELIVERY MODE
			06/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,292	SHIRAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	James A. Thompson	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2007 and 15 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3,5,7 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5,7 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 15 February 2007 has been entered.

### *Response to Arguments*

2. Applicant's arguments filed 15 February 2007 have been fully considered but they are not persuasive.

**Regarding page 4, lines 2-22:** As noted above, the amendments to the claims have been entered. The present claims are all deemed to be rendered obvious for the reasons set forth in the detailed prior art rejections below. The rejection to claim 1 is withdrawn since claim 1 has been canceled by the presently entered amendments.

**Regarding page 4, line 23 to page 9, line 15:** *Applicant argues* that Johnson (USPN 5,053,866) in view of *In re Larson* and Stokes (USPN 5,881,209) does not teach four limitations of claim 3, which Applicant denotes as (A), (B), (C) and (D) [page 6, line 17 to page 7, line 4 of Applicant's arguments].

*Examiner replies* firstly that, due to both the incorporation of prior claim 6 into present claim 3, and due to Examiner's reconsideration of the prior art references, claim 3 is now rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US Patent 5,053,866) in view of Stokes (US Patent 5,881,209), as set forth below.

With respect to limitation (A), Johnson discloses that the controller calculates output-correcting values on the basis of the difference (column 6, lines 30-40 of Johnson) between the color development characteristic information included in the test image data (figure 1 and column 4, lines 8-26 of Johnson) and the reference color development characteristic information (column 6, lines 9-16 of Johnson).

With respect to limitation (B), Johnson discloses that the color development characteristic information is sent through a line from the second input unit to the controller (figure 1 and column 4, lines 8-26 of Johnson).

With respect to limitation (D), Johnson discloses that said controller determines output-correcting values in accordance with printing conditions (column 7, lines 29-34 of Johnson); and Stokes discloses

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storing a plurality of sets of output-correcting values (column 4, lines 51-58 of Stokes) and selecting an appropriate set of output-correcting values (column 5, lines 1-9 of Stokes) in accordance with printing conditions (column 6, lines 26-34 of Stokes). By combination, Johnson and Stokes teach limitation (D), as set forth below.

With respect to limitation (C), while Johnson teaches that the input unit for the initial image data can be a scanner. A scanner, albeit a different scanner (figure 1(20) of Johnson), is also used to input image data after the test print is made. If the embodiment taught by Johnson in which a scanner is used as the source of the initial image data (figure 1(12) of Johnson) and a scanner is used to input the test image data printed out by the printer after the initial image correction is performed, it would be more reasonable to simply have the scanner (12) used to input the initial image data and the scanner (20) used to input the test image data from the printed hardcopy be the same scanner, rather than two separate scanners as shown in Johnson.

Stokes teaches using only a single scanner for inputting the image data that is to be corrected. Applying the teachings of Stokes to the particular embodiment of Johnson that is relied upon in the rejection of claim 3 would result in the recited input unit (which is the scanner (12) in Johnson) being used both to scan and input the initial image data and to scan and input the test image data. Thus, by the combination of references, the limitations of presently recited claim 3 are fully met.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3, 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US Patent 5,053,866) in view of Stokes (US Patent 5,881,209).**

**Regarding claim 3:** Johnson discloses a color correcting system (figure 1 of Johnson) comprising an input unit (figure 1(12) of Johnson) that receives image data (column 4, lines 6-9 of Johnson); a controller (figure 1(22) and column 4, lines 10-11 and lines 16-19 of Johnson) storing output-correcting values for correcting the image data received by the input unit by using the output-correcting values (column 4, lines 11-19 of Johnson); and an output unit (figure 1(28) of Johnson) that prints an

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image on the basis of the corrected image data obtained by correcting the image data by the controller (column 4, lines 28-34 of Johnson), wherein the controller has test image data (column 4, lines 28-34 of Johnson) including reference color development characteristic information (column 5, lines 61-65 of Johnson), a scanner (figure 1(20) of Johnson) reads the test image printed on the basis of the test image data by the output unit (column 6, lines 3-8 of Johnson), and the controller calculates output-correcting values on the basis of the difference (column 6, lines 30-40 of Johnson) between the color development characteristic information included in the test image data read by the second input unit and sent through a line from the second input unit to the controller (figure 1 and column 4, lines 8-26 of Johnson) and the reference color development characteristic information (column 6, lines 9-16 of Johnson) sent through the same line as that of the test image data from the input unit to the controller (figure 1(R,G,B) and column 4, lines 8-26 of Johnson – line for R,G,B colors all same for RGB data from Data source (12) to image recorder (28)).

Johnson does not disclose expressly that the controller stores a plurality of sets of output-correcting values and selects an appropriate set of output-correcting values in accordance with printing conditions; and that said scanner (figure 1(20) of Johnson) is used as the sole input unit, rather than the two separate input units (figure 1(12 and 20) of Johnson) taught by Johnson.

Stokes discloses storing a plurality of sets of output-correcting values (column 4, lines 51-58 of Stokes) and selecting an appropriate set of output-correcting values (column 5, lines 1-9 of Stokes) in accordance with printing conditions (column 6, lines 26-34 of Stokes); and that the input data is received from a single input unit, namely a scanner (figure 4(54) and column 5, lines 14-25 of Stokes – *while there are several input devices, each device is separate and output correction for a particular input device occurs solely for said input device*).

Johnson and Stokes are combinable because they are from the same field of endeavor, namely color correction in digital image data printing systems. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to store and select between a plurality of different output-correcting values, and only use the input device under consideration as the input device for correction, as taught by Stokes. The suggestion for doing so would have been that there are many available source and destination devices that may require calibration so that the colors presented for one device or hardcopy are the same as the colors output on another device or hardcopy (column 4, lines 34-39 of Stokes). Furthermore, if the input data source is a hardcopy scanner, as taught by Johnson, then it would be simpler and more logical to update the output correction based on input from the same scanner, rather

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than a separate test image scanner. Therefore, it would have been obvious to combine Stokes with Johnson to obtain the invention as specified in claim 3.

**Regarding claim 5:** Johnson discloses that the controller changes the output-correcting values in accordance with the printing conditions (column 7, lines 29-34 of Johnson).

**Further regarding claim 18:** Stokes discloses that the output-correcting values can be stored in the controller whenever necessary as time passes (column 4, lines 13-19 and lines 28-31; and column 4, line 58 to column 5, line 9 of Stokes). The source and destination devices can be added to or removed from the color processing system (column 4, lines 13-19 and lines 28-31 of Stokes), and thus the color profiles of said source and destination devices will only be required at particular times as time passes. Furthermore, the needed color profiles are transmitted and processed as needed, such as when a user wants to match the colors of an image seen on a monitor with what is to be printed out on a particular output printer (column 4, line 58 to column 5, line 9 of Stokes). Thus, the output-correcting values are stored in the controller whenever necessary as time passes.

**5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US Patent 5,053,866) in view of Stokes (US Patent 5,881,209) and well-known prior art.**

**Regarding claim 7:** Johnson discloses that said output unit is a printer (column 4, lines 28-34 of Johnson).

Johnson in view of Stokes does not disclose expressly that said printer is specifically a sublimation dye transfer printer.

On page 10 of the office action mailed 17 May 2006, Official Notice was given that sublimation dye transfer printers are old, well-known and expected in the art. Since the Official Notice statement has not been traversed, it is considered to be admitted prior art. Thus, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to specifically use a sublimation dye transfer printer as the output printer taught by Johnson. The suggestion for doing so would have been that any known digital halftone printer can be used in the color correction system taught by Johnson (column 4, lines 29-40 of Johnson).

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***Conclusion***

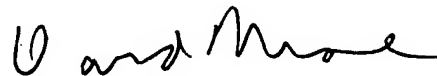
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Thompson whose telephone number is 571-272-7441. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James A. Thompson  
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Technology Division 2625

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23 May 2007



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